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10/586,988

07/21/2006

Young-Bae Ku

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EXAMINER

PRESTON, JOHN O

ART UNIT

PAPER NUMBER

3691

MAIL DATE

DELIVERY MODE

05/27/2008

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

|                              |                                      |                                  |  |
|------------------------------|--------------------------------------|----------------------------------|--|
| <b>Office Action Summary</b> | <b>Application No.</b><br>10/586,988 | <b>Applicant(s)</b><br>KU ET AL. |  |
|                              | <b>Examiner</b><br>JOHN O. PRESTON   | <b>Art Unit</b><br>4143          |  |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 21 July 2006.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-17 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 21 July 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>7-21-2006</u> .   | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### **Status of Claims**

1. This action is in reply to the application filed on July 21, 2006.
2. Claims 8 and 15 have been amended.
3. Claims 16 and 17 have been added.
4. Claims 1-17 are currently pending and have been examined.

### **Foreign Priority**

5. Acknowledgment is made of applicant's claim for foreign priority under 35 U.S.C. 119(a)-(d). The certified copy has been filed.

### ***Claim Rejections - 35 USC § 101***

6. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 1-9 and 16 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. Claims 1-9 and 16 are directed to a system type claim yet the claim limitations are directed to software and therefore not statutory under 35 U.S. C. 101.

7. Claims 10-15 and 17 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. Regarding claims 10-15 and 17, as best understood, it appears that the claimed method steps could simply be performed by mental process alone and are not statutory. Based on Supreme Court precedent, a proper process must be tied to another statutory class or transform underlying subject matter to a different state or thing (*Diamond v. Diehr*, 450 U.S. 175, 184 (1981); *Parker v. Flook*, 437 U.S. 584, 588 n.9 (1978); *Gottschalk v. Benson*, 409 U.S. 63, 70 (1972); *Cochrane v. Deener*, 94 U.S. 780,787-88 (1876)). Since neither of these

requirements is met by the claim, the method is not considered a patent eligible process under 35 U.S.C. 101. To qualify as a statutory process, the claim should positively recite the other statutory class to which it is tied, for example by identifying the apparatus that accomplished the method steps or positively reciting the subject matter that is being transformed, for example by identifying the material that is being changed to a different state. Claims 10-15 and 17 are directed towards steps of "receiving", "posting", "determining", "calculating", "collecting", "terminating", "comparing", and "giving". Since the claims are directed to a process without including another statutory class of invention (i.e. machine, manufacture, or composition of matter), these claims fall within the scope of human intelligence alone, and are non-statutory.

***Claim Rejections - 35 USC § 103***

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.

4. Considering objective evidence present in the application indicating obviousness or nonobviousness.
9. Claims 1-4, 6, 9-11, 13, and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Salls (US 2003/0050853 A1) and in view of Harrington (6,161,099), and further in view of Grey (US 2002/0174054 A1) and Otero (US 2005/0027623 A1).

Claim 1: Salls discloses the following limitation(s):

- *a bid execution unit requesting the buyer to pay an initial entrance fee of an item when a buyer is determined as being qualified for bidding for the item, collecting an initial entrance fee of the item from the buyer, requesting the buyer to set a tender price for the item, and inputting the tender price;* (See at least Salls: page 1, paragraph 6).
- *a bid terminator determining whether to terminate a bid for an item based on at least one among auction duration of the item, for which the bid is being executed by the bid execution unit, and an accumulated entrance fee resulting from the bid of each of buyers for the item;* (See at least Salls: page 1, paragraph 6).

Salls does not explicitly disclose the remaining limitation(s) alone. However, Harrington discloses:

- *a database unit storing auction condition information comprising an open market selling price, auction quantity, auction duration, an initial entrance fee and an entrance fee type of an item auctioned through Internet, bid history information of a buyer wishing to purchase the item through the Internet, and bid details information of the item;* (See at least Salls: Figs. 1 and 6; pg. 1, paragraph 6. Salls teaches a system wherein a database holds information about a selling price for an item and an entrance fee for a participant. See at least Harrington: Fig. 6; col. 7, lines 20-30, 35-

40; col. 10, lines 30-40, col. 11, lines 40-50. Harrington teaches a system wherein a database stores information on auction quantity, auction duration, and bid history and details.)

- *a bid qualification determiner determining whether a buyer is qualified for bidding for an item based on the buyer's bid history information in response to the buyer's request for permission to bid for the item;* (See at least Harrington: col. 7, lines 20-30. Harrington teaches a system wherein potential bidders are screened and registered on the computer network.) It would have been obvious to one of ordinary skill in the art to combine the elements cited in Harrington with Salls to screen bidders by the network for qualifying the bidders for the auction (see col. 4, lines 65-67)

Salls and Harrington do not explicitly disclose

*an item registration unit allowing a seller to register auction condition information of an item or directly register the auction condition information and posting the item and the auction condition information to a web site when an auction start time of the registered item is encountered; the remaining limitation(s) alone.*

However, Harrington teaches a system wherein a seller registers auction condition information on a website See at least Harrington: col. 6, lines 25-37; col. 7, line 65 – col. 8, line 15. Grey teaches a system wherein a seller can submit information about the item to be auctioned. See at least Grey: page 3, paragraph 38. . It would have been obvious to one of ordinary skill in the art to combine the elements cited in Grey within the Salls and Harrington combination in order to provide auctions where price is not the only parameter used to auction goods (see Grey, paragraph 9).

Salls, Harrington and Grey do not disclose the remaining limitation(s). However, Otero discloses the following:

- *a successful bidder selector calculating a reference contract price using a minimum contract price and a maximum contract price of an item and a random number induced by a random probability function after a bid for the item is terminated, comparing the reference contract price with a tender price set by each of buyers, and selecting as a successful bidder a buyer that has set a tender price closest to the reference contract price or close in a predetermined sequence to the reference contract price; (See at least Otero: page 2, paragraph 14. Otero teaches a system that selects a winning participant in game of chance.)*
- *and a delivery/payment processor collecting a tender price set by a buyer selected as a successful bidder, performing a process to deliver an item to the successful bidder, and giving a sales payment to a seller of the item. (See at least Otero: page 2, paragraph 15; page 4, paragraph 41. Otero teaches a system that collects and distributes donated funds and delivers a prize to the winning participant.)*

It would have been obvious to one of ordinary skill in the art to combine the elements cited in Salls with the elements as taught by Harrington, Grey, and Otero because the claimed invention is merely a combination of old elements, and in the combination each element merely would have performed the same function as it did separately to yield predictable results.

Claim 2: Salls/Harrington/Grey/Otero discloses the limitation(s) as shown in the rejection of claim 1. Salls further discloses the following:

- *the item registration unit calculates a maximum payable bid price, which can be paid as a sale payment for the item, using an open market selling price and auction quantity of the item. (See at least Salls: page 4,*

paragraph 37. Salls teaches a system that uses the seller asking price as the maximum price a seller can receive for his item.)

Claim 3: Salls/Harrington/Grey/Otero discloses the limitation(s) as shown in the rejection of claim 2. Harrington and Grey further disclose the following:

- *the auction condition information further comprises a contract price setup range for the item, (See at least Grey: page 3, paragraph 36.)*
- *the buyer's bid history information comprises at least one among a total bid count and a total bid amount of a buyer obtained for an item or during a predetermined period of time, and (See at least Harrington: col. 11, lines 40-50; col. 12, lines 24-36.76)*
- *the bid details information of the item comprises information on a bidder bidding for the item and an accumulated entrance fee resulting from bidders' bidding for the item. (See at least Harrington: col. 7, lines 20-30; col. 11, lines 20-45)*

It would have been obvious to one of ordinary skill in the art to combine the elements cited in Salls with the elements as taught by Harrington, Grey, and Otero because the claimed invention is merely a combination of old elements, and in the combination each element merely would have performed the same function as it did separately to yield predictable results.

Claim 4: Salls/Harrington/Grey/Otero discloses the limitation(s) as shown in the rejection of claim 3. Salls and Harrington further disclose the following:

- *the bid qualification determiner determines that the buyer is unqualified for bidding for the item when a total bid count or a total bid amount of the buyer obtained for the item or during a predetermined period of time exceeds a predetermined maximum available bid count or a predetermined maximum available bid amount, respectively. (See at least Salls: page 1, paragraph 6. Salls teaches a system where all bids*



are rejected once a threshold amount has been deposited. See at least Harrington: col. 11, lines 40-50. Harrington teaches a system that tracks all submitted bids.)

It would have been obvious to one of ordinary skill in the art to combine the elements cited in Salls with the elements as taught by Harrington, Grey, and Otero because the claimed invention is merely a combination of old elements, and in the combination each element merely would have performed the same function as it did separately to yield predictable results.

Claim 6: Salls/Harrington/Grey/Otero discloses the limitation(s) as shown in the rejection of claim 3. Salls and Grey further disclose the following:

- *if an entrance fee type of an item is a variable type where an initial entrance fee varies with an accumulated entrance fee of the item and a total number of bidders for the item which are obtained after the bid for the item is terminated, the bid terminator terminates the bid for the item when an auction end time of the item based on the auction duration of the item is encountered.* (See at least Salls: page 1, paragraph 6. Salls teaches a system where a participant's entrance fee depends on the number of tickets purchased. See at least Grey: page 1, paragraph 6; page 4, paragraph 45: Grey teaches a system that terminates the auction after a set amount of time has elapsed.)

It would have been obvious to one of ordinary skill in the art to combine the elements cited in Salls with the elements as taught by Harrington, Grey, and Otero because the claimed invention is merely a combination of old elements, and in the combination each element merely would have performed the same function as it did separately to yield predictable results.

Claim 9: Salls/Harrington/Grey/Otero discloses the limitation(s) as shown in the rejection of claim 1. Salls further discloses the following:

- *the successful bidder selector calculates an absolute value of a difference between a reference contract price of an item and each of tender prices, selects as a successful bidder a bidder having set a tender price giving a minimum absolute value, or the successful bidder selector selects as the successful bidder a bidder having set a tender price closest to the reference contract price or close in a predetermined sequence to the reference contract price among tender prices that are at least or do not exceed the reference contract price. (See at least Salls: page 1, paragraph 8)*

Claim 10: Salls discloses the following limitation(s):

- *collecting an entrance fee of the item from the buyer when it is determined that the buyer is qualified, (See at least Salls: page 1, paragraph 6)*
- *determining whether to terminate the bid for the item based on at least one among the auction duration of the item and an accumulated entrance fee resulting from the bid of each of buyers for the item; (See at least Salls: page 1, paragraph 6).*

Salls does not disclose the remaining limitation(s) alone. However, Harrington discloses the following where Salls does not:

- *receiving auction condition information comprising an open market selling price, auction quantity, auction duration, an initial entrance fee and an entrance fee type of an item from a seller wishing to sell the item through Internet, (See at least Salls: Figs. 1 and 6; pg. 1, paragraph 6. Salls teaches a system wherein a database holds information about a selling price for an item and an entrance fee for a participant. See at least Harrington: Fig. 6; col. 7, lines 20-30, 35-40; col. 10, lines 30-40, col. 11, lines 40-50. Harrington teaches a system wherein a database*

stores information on auction quantity, auction duration, and bid history and details.)

- *(b)determining whether a buyer accessing through the Internet is qualified for bidding based on bid history information of the buyer in response to the buyer's request for permission to bid for the item, (See at least Harrington: col. 7, lines 20-30. Harrington teaches a system wherein potential bidders are screened and registered on the computer network.)*
- *requesting the buyer to set and input a tender price of the item; (Harrington: col. 10, lines 20-30)*

Harrington does not disclose the remaining limitation(s) alone. However, Grey discloses the following where Harrington does not:

- *registering the auction condition information in a database, and posting the item and the auction condition information when an auction start time of the item is encountered; (See at least Harrington: col. 6, lines 25-37; col. 7, line 65 – col. 8, line 15. Harrington teaches a system wherein a seller registers auction condition information on a website. See at least Grey: page 3, paragraph 38. Grey teaches a system wherein a seller can submit information about the item to be auctioned.)*

Grey does not disclose the remaining limitation(s). However, Otero discloses the following:

- *(d)calculating a reference contract price using a minimum contract price and a maximum contract price of the item and a random number induced by a random probability function after the bid for the item is terminated, comparing the reference contract price with a tender price set by each of the buyers, and selecting as a successful bidder a buyer that has set a tender price closest to the reference contract price or close in a*

*predetermined sequence to the reference contract price; (See at least Otero: page 2, paragraph 14. Otero teaches a system that selects a winning participant in a game of chance.)*

- *(e) collecting the tender price set by the buyer selected as the successful bidder, performing a process to deliver the item to the successful bidder, and giving a sales payment to the seller of the item. (See at least Otero: page 2, paragraph 15; page 4, paragraph 41. Otero teaches a system that collects and distributes donated funds and delivers a prize to the winning participant.)*

It would have been obvious to one of ordinary skill in the art to combine the elements cited in Salls with the elements as taught by Harrington, Grey, and Otero because the claimed invention is merely a combination of old elements, and in the combination each element merely would have performed the same function as it did separately to yield predictable results.

Claim 11: Salls/Harrington/Grey/Otero discloses the limitation(s) as shown in the rejection of claim 10. Salls further discloses the following:

- *operation (a) comprises calculating a maximum payable bid price, which can be paid as the sale payment for the item, using the open market selling price and the auction quantity of the item. (See at least Salls: page 4, paragraph 37. Salls teaches a system that uses the seller asking price as the maximum price a seller can receive for his item.)*

Claim 13: Salls/Harrington/Grey/Otero discloses the limitation(s) as shown in the rejection of claim 11. Salls and Grey further disclose the following:

- *operation (c) comprises, if an entrance fee type of the item is a variable type, terminating the bid for the item when an auction end time of the item based on the auction duration of the item is encountered. (See at least Salls: page 1, paragraph 6. Salls teaches a system where a*

participant's entrance fee depends on the number of tickets purchased.

See at least Grey: page 1, paragraph 6; page 4, paragraph 45: Grey teaches a system that terminates the auction after a set amount of time has elapsed.)

It would have been obvious to one of ordinary skill in the art to combine the elements cited in Salls with the elements as taught by Harrington, Grey, and Otero because the claimed invention is merely a combination of old elements, and in the combination each element merely would have performed the same function as it did separately to yield predictable results.

Claim 15: Salls/Harrington/Grey/Otero discloses the limitation(s) as shown in the rejection of claim 11. Salls further discloses the following:

- *giving the seller of the item an amount of money not exceeding the maximum payable bid price in the accumulated entrance fee of the item and the tender price collected from the successful bidder for the item as the sales payment for the item. (See at least Salls: page 1, paragraph 8)*

11. Claims 5, 8, and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Salls/Harrington/Grey/Otero and further in view of Walker (6,077,163).

Claim 5: Salls/Harrington/Grey/Otero discloses the limitation(s) as shown in the rejection of claim 3. Salls, Walker, and Grey further disclose the following:

- *if an entrance fee type of an item is a fixed type where an initial entrance fee is set as a final entrance fee, (See at least Walker: col. 1, lines 50-58)*
- *the bid terminator terminates a bid for the item when an accumulated entrance fee of the item reaches a maximum payable bid price set for the item (See at least Salls: page 1, paragraph 6)*

- *when an auction end time of the item is encountered even though the accumulated entrance fee of the item does not reach the maximum payable bid price. (See at least Grey: page 1, paragraph 6; page 4, paragraph 45)*

It would have been obvious to one of ordinary skill in the art to combine the elements cited in Salls with the elements as taught by Harrington, Grey, Otero, and Walker because the claimed invention is merely a combination of old elements, and in the combination each element merely would have performed the same function as it did separately to yield predictable results.

Claim 8: Salls/Harrington/Grey/Otero/Walker discloses the limitation(s) as shown in the rejection of claim 5. Salls further discloses the following:

- *the [[a]] delivery/payment processor gives a seller of the item an amount of money not exceeding the maximum payable bid price in the accumulated entrance fee of the item and a tender price collected from a successful bidder for the item as a sales payment for the item. (See at least Salls: page 1, paragraph 8)*

Claim 12: Salls/Harrington/Grey/Otero discloses the limitation(s) as shown in the rejection of claim 11. Salls, Walker, and Grey further disclose the following:

- *if an entrance fee type of the item is a fixed type, (See at least Walker: col. 1, lines 50-58)*
- *terminating the bid for the item when the accumulated entrance fee of the item reaches the maximum payable bid price (See at least Salls: page 1, paragraph 6)*
- *when an auction end time of the item is encountered even though the accumulated entrance fee of the item does not reach the maximum payable bid price. (See at least Grey: page 1, paragraph 6; page 4, paragraph 45)*

It would have been obvious to one of ordinary skill in the art to combine the elements cited in Salls with the elements as taught by Harrington, Grey, Otero, and Walker because the claimed invention is merely a combination of old elements, and in the combination each element merely would have performed the same function as it did separately to yield predictable results.

12. Claims 7, 8, 14-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Salls/Harrington/Grey/Otero and further in view of Walker (US 2003/0032476 A1).

Claim 7: Salls/Harrington/Grey/Otero discloses the limitation(s) as shown in the rejection of claim 6. However, Salls/Harrington/Grey/Otero does not disclose the remaining limitation(s) alone. Salls and Walker further disclose the following:

- *an entrance fee refund processor when the entrance fee type of the item is the variable type, the entrance fee refund processor comparing an accumulated entrance fee of the item with a maximum payable bid price of the item after the bid for the item is terminated, (See at least Salls: page 1, paragraph 6)*
- *refunding each of bidders having bidden for the item an amount of money obtained by dividing a surplus of the accumulated entrance fee by a total number of the bidders when the accumulated entrance fee exceeds the maximum payable bid price, but otherwise not refunding. (See at least Walker: page 13, paragraph 140)*

It would have been obvious to one of ordinary skill in the art to combine the elements cited in Salls with the elements as taught by Harrington, Grey, Otero, and Walker because the claimed invention is merely a combination of old elements, and in the combination each element merely would have performed the same function as it did separately to yield predictable results.

Claim 8: Salls/Harrington/Grey/Otero/Walker discloses the limitation(s) as shown in the rejection of claim 7. Salls further discloses the following:

- *the [[a]] delivery/payment processor gives a seller of the item an amount of money not exceeding the maximum payable bid price in the accumulated entrance fee of the item and a tender price collected from a successful bidder for the item as a sales payment for the item. (See at least Salls: page 1, paragraph 8)*

Claim 14: Salls/Harrington/Grey/Otero discloses the limitation(s) as shown in the rejection of claim 13. Salls and Walker further disclose the following:

- *recognizing that the entrance fee type of the item is the variable type when the bid for the item is terminated, comparing the accumulated entrance fee with the maximum payable bid price, (See at least Salls: page 1, paragraph 6)*
- *determining whether to refund according to the result of the comparison, and refunding some of the initial entrance fee of the item to each of the buyers having bidden for the item. (See at least Walker: page 13, paragraph 140)*

It would have been obvious to one of ordinary skill in the art to combine the elements cited in Salls with the elements as taught by Harrington, Grey, Otero, and Walker because the claimed invention is merely a combination of old elements, and in the combination each element merely would have performed the same function as it did separately to yield predictable results.

Claim 15: Salls/Harrington/Grey/Otero discloses the limitation(s) as shown in the rejection of claim 14. Salls further discloses the following:

- *giving the seller of the item an amount of money not exceeding the maximum payable bid price in the accumulated entrance fee of the item*



*and the tender price collected from the successful bidder for the item as the sales payment for the item. (See at least Salls: page 1, paragraph 8)*

Claim 16: Salls/Harrington/Grey/Otero/Walker discloses the limitation(s) as shown in the rejection of claim 7. Salls further discloses the following:

- *the delivery/payment processor gives a seller of the item an amount of money not exceeding the maximum payable bid price in the accumulated entrance fee of the item and a tender price collected from a successful bidder for the item as a sales payment for the item. (See at least Salls: page 1, paragraph 8).*

Claim 17: Salls/Harrington/Grey/Otero/Walker discloses the limitation(s) as shown in the rejection of claim 14. Salls further discloses the following:

- *giving the seller of the item an amount of money not exceeding the maximum payable bid price in the accumulated entrance fee of the item and the tender price collected from the successful bidder for the item as the sales payment for the item. (See at least Salls: page 1, paragraph 8)*

Any inquiry of a general nature or relating to the status of this application or concerning this communication or earlier communications from the Examiner should be directed to **John Preston** whose telephone number is **571.270.3918**. The Examiner can normally be reached on Monday-Friday, 9:30am-5:00pm. If attempts to reach the examiner by telephone are unsuccessful, the Examiner's supervisor, **Alexander Kalinowski** can be reached at **571.272.6771**.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://portal.uspto.gov/external/portal/pair> <<http://pair-direct.uspto.gov>>. Should you have

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questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at **866.217.9197** (toll-free).

Any response to this action should be mailed to:

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Washington, D.C. 20231

or faxed to **571-273-8300**

Hand delivered responses should be brought to:

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/John O Preston/  
Examiner, Art Unit 3691  
May 16, 2008  
/Alexander Kalinowski/  
Supervisory Patent Examiner, Art Unit 3691